UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,500	08/22/2003	Gerold Herold	32860-000610/US	8715

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ART UNIT	PAPER NUMBER
2167	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/645,500	HEROLD ET AL.
	Examiner	Art Unit	
	Kimberly Lovel	2167	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 August 2003*.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 August 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☒ All　b)☐ Some * c)☐ None of:

　　　1.☒ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *8/22/2003*.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

Claim Status

1.   Claims 1-29 are pending.

2.   Claims 1-29 are rejected.

Priority

3.   Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which

papers have been placed of record in the file.

Claim Objections

4.   Claims 16, 17, 23 and 27 are objected to because of the following informalities:

Referring to claim 16, line 4 recites "ascertainin." It is suggested that the claim

recites "ascertaining."

Referring to claim 17, line 2 recites "innerconnected." It is suggested that the

claim recites "inner connected" or "interconnected."

Referring to claim 23, line 14 recites "generatable." It is suggested that the claim

recites "generateable."

Referring to claim 27, line 6 recites "innerconnected." It is suggested that the

claim recites "interconnected" or "inner connected."

Appropriate correction is required.

Claim Rejections - 35 USC § 103

5.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over US

PGPub 2002/0016718 to Rothschild et al (hereafter Rothschild et al) in view of US

PGPub 2004/0088317 to Fabrick et al (hereafter Fabrick et al).

Claim 1:

Rothschild et al disclose a data processing system for processing medically

relevant data objects. In particular, Rothschild et al disclose a data processing system

for processing medically relevant data objects including at least one of image data and

metadata (see abstract and [0023], lines 17-22), comprising:

a first electronic data processing device for viewing and editing the data objects

(see [0149]-[0150] and Fig 1, item 10), the first electronic data processing device

including,

a data store for storing the data objects (see [0045]; [0143], lines 10-18;

and Fig 1, item 120), and

a first interface for outputting data objects (see [0149] and Fig 1, item 15);

and

a second electronic data processing device for presenting data from data objects

in medically relevant reports (see Fig 1, item 40) using report masks, the second

electronic data processing device including,

a mask memory (see Fig 1, item 140) for storing the report masks, and

a second interface for receiving the data objects (see [0079]), wherein the

first data processing device uses firmly prescribed data formats (see [0144], lines

1-7 and [0152] - the data format is DICOM), unalterable by a user, to store, view

and edit the data objects, wherein the second data processing device uses report

masks, generatable and alterable by the user to present data from data objects,

even without knowledge of the syntax of the data objects, and wherein the

interfaces of the first and second data processing devices are connectable to one

another for transfer of data objects from the first data processing device to the

second data processing device (see [0043] and Fig 1 – the devices are

connected by a central storage system).

However, Rothschild et al fail to explicitly teach the further limitation of the second interface wherein the second data processing device uses report masks, generate able and alterable by the user to present data from data objects, even without knowledge of the syntax of the data objects. Fabrick et al teach a data processing system for processing medically relevant data objects (see abstract), including the further limitation wherein the second data processing device uses report masks, generate able and alterable by the user to present data from data objects, even without knowledge of the syntax of the data objects (see [0034] and [0052] – according to [0026], lines 1-3 of the applicant's specification, a report mask only display respective relevant information from the patient record, therefore the report returned by the custom query provided by the medical provider is considered to represent a report mask).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Fabrick et al's system for generating report masks within Rothschild et al's medical image management system as a subcomponent to the remote storage system (Rothschild et al: see Fig 1, item 40). One would have been motivated to do so in order to produce a report that is useful in managing the patient's healthcare (Rothschild et al: see [0065]).

Claim 2:

Referring to claim 2, the combination of Rothschild et al and Fabrick et al (hereafter Rothschild/Fabrick) teaches the data processing system as claimed in claim 1, wherein the second data processing device stores report masks at least one of generated (Fabrick et al: see [0034] – according to [0026], lines 1-3 of the applicant's

specification, a report mask only display respective relevant information from the patient

record, therefore the report returned by the custom query provided by the medical

provider is considered to represent a report mask) and altered by the user (Fabrick et al:

see [0052] – the original report is updated, i.e. altered, when a patient has a subsequent

visit), in the mask memory (Fabrick et al: see [0061]).

Claim 3:

Referring to claim 3, Rothschild/Fabrick teaches the data processing system as

claimed in claim 1, wherein the second data processing device uses report masks,

generateable and alterable by the user without knowledge of the syntax of the data

objects, in order for a user to edit data from data objects (Fabrick et al: see [0034],

[0036] and [0061] – the data objects are entered into the database from the forms and

can exist in any format which is not taken into consideration when the reports are

generated and altered).

Claim 4:

Referring to claim 4, Rothschild/Fabrick teaches the data processing system as

claimed in claim 1, wherein at least one of the interfaces includes a data switching

device, having access to an association memory containing information about an

association between data object types and report masks, and wherein the data

switching device is adapted to ascertain the type of a data object transferred via the

interface, compare the ascertained type with the content of the association memory and

associate a report mask with the data object on the basis of the result of the comparison

(Fabrick et al: see [0036]-[0041]).

Claim 5:

Referring to claim 5, Rothschild/Fabrick teaches the data processing system as claimed in claim 1, wherein the interfaces on the first and second data processing devices, when innerconnected, are useable to transfer data belonging to data objects from the second data processing device to the first data processing device, and wherein data objects with user-edited data, transferred to the first data processing device via the interconnected interfaces, are stored in the data store (Fabrick et al: see [0037] – the data objects are transferred to the database).

Claim 6:

Referring to claim 6, Rothschild/Fabrick teaches the data processing system as claimed in claim 5, wherein content of user-edited data is checked, and the checked data are stored by the first data processing device only on the basis of the result of the check (Fabrick et al: see [0037]).

Claim 7:

Referring to claim 7, Rothschild/Fabrick teaches the data processing system as claimed in claim 1, wherein the first data processing device is for authenticating all access operations to data objects by users in a manner which the user cannot alter and documents them for later reconstruction (Rothschild et al: see [0144], lines 15-26 and [0210]-[0213] – history record system).

Claim 8:

Rothschild et al disclose a method for processing medically relevant data objects. In particular, Rothschild et al disclose a distributed method for processing medically

relevant data objects, including at least one of image data and metadata (see abstract

and [0023], lines 17-22), with a first component for at least one of viewing, editing and

storing the data objects (see [0149]-[0150] and Fig 1, item 120) and with a second

component for presenting data from the data objects (see Fig 1, item 40), comprising:

using prescribed data formats in the first component, which are unalterable by a

user, to at least one of store, view and edit the data objects (see [0144], lines 1-7 and

[0152] – the data format is DICOM);

using report masks in the second component, which are at least one of

generateable and alterable by the user without knowledge of the syntax of the data

objects, to present data from the data objects, wherein data objects are transferable

from the first to the second component (see [0043] and Fig 1 – the devices are

connected by a central storage system).

However, Rothschild et al fail to explicitly teach the further limitation of using

report masks in the second component, which are at least one of generateable and

alterable by the user without knowledge of the syntax of the data objects, to present

data from the data objects. Fabrick et al teach a data processing system for processing

medically relevant data objects (see abstract), including the further limitation using

report masks in the second component, which are at least one of generateable and

alterable by the user without knowledge of the syntax of the data objects, to present

data from the data objects (see [0034] and [0052] – according to [0026], lines 1-3 of the

applicant's specification, a report mask only display respective relevant information from

the patient record, therefore the report returned by the custom query provided by the

medical provider is considered to represent a report mask).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to utilize Fabrick et al's method for generating report masks within

Rothschild et al's method of a medical image management system as a subcomponent

to the remote storage system (Rothschild et al: see Fig 1, item 40). One would have

been motivated to do so in order to produce a report that is useful in managing the

patient's healthcare (Rothschild et al: see [0065]).

Claim 9:

Referring to claim 9, Rothschild/Fabrick teaches the distributed method as

claimed in claim 8, wherein the second data processing device stores report masks at

least one of generated (Fabrick et al: see [0034] – according to [0026], lines 1-3 of the

applicant's specification, a report mask only display respective relevant information from

the patient record, therefore the report returned by the custom query provided by the

medical provider is considered to represent a report mask) and altered by the user

(Fabrick et al: see [0052] – the original report is updated, i.e. altered, when a patient has

a subsequent visit), in the mask memory (Fabrick et al: see [0061]).

Claim 10:

Referring to claim 10, Rothschild/Fabrick teaches the distributed method as

claimed in claim 8, wherein the second method component uses report masks for a user

to edit data from the data objects (Fabrick et al: see [0041] and [0052]).

Claim 11:

Referring to claim 11, Rothschild/Fabrick teaches the distributed method as claimed in claim 8, wherein a data switching component is provided for ascertaining the type of a data object transferred from the first to the second component, for comparing the ascertained type with the content of an association memory containing information about the association between data object types and report masks, and for associating a report mask with the data object on the basis of the result of this comparison (Fabrick et al: see [0036]-[0041]).

Claim 12:

Referring to claim 12, Rothschild/Fabrick teaches the distributed method as claimed in claim 8, wherein data belonging to data objects is transferable from the second to the first component, and wherein the first component stores data objects with user-edited data, transferred to the first component, in a data store (Fabrick et al: see [0037] – the data objects are transferred to the database).

Claim 13:

Referring to claim 13, Rothschild/Fabrick teaches the distributed method as claimed in claim 12, wherein the content of user-edited data belonging to data objects is checked, and the user-edited data are stored by the first component only on the basis of the result of this check (Fabrick et al: see [0037]).

Claim 14:

Referring to claim 14, Rothschild/Fabrick teaches the distributed method as claimed in claim 8, wherein the first component authenticates all access operations to data objects by users in a manner which the user cannot alter and documents them so

that they can be subsequently reconstructed (Rothschild et al: see [0144], lines 15-26

and [0210]-[0213] – history record system).

Claim 15:

Referring to claim 15, Rothschild/Fabrick teaches the data processing system as

claimed in claim 2, wherein the second data processing device uses report masks,

generateable and alterable by the user without knowledge of the syntax of the data

objects, in order for a user to edit data from data objects (Fabrick et al: see [0034],

[0036] and [0061] – the data objects are entered into the database from the forms and

can exist in any format which is not taken into consideration when the reports are

generated and altered).

Claim 16:

Referring to claim 16, Rothschild/Fabrick teaches the data processing system as

claimed in claim 1, wherein at least one of the interfaces includes data switching means,

having access to an association memory containing information about an association

between data object types and report masks, for ascertainin the type of a data object

transferred via the interface, for comparing the ascertained type with the content of the

association memory and for associating a report mask with the data object on the basis

of the result of the comparison (Fabrick et al: see [0036]-[0041]).

Claim 17:

Referring to claim 17, Rothschild/Fabrick teaches the data processing system as

claimed in claim 4, wherein the interfaces on the first and second data processing

devices, when innerconnected, are useable to transfer data belonging to data objects

from the second data processing device to the first data processing device, and wherein data objects with user-edited data, transferred to the first data processing device via the interconnected interfaces, are stored in the data store (Fabrick et al: see [0037] – the data objects are transferred to the database).

Claim 18:

Referring to claim 18, Rothschild/Fabrick teaches the data processing system as claimed in claim 17, wherein content of user-edited data is checked, and the checked data are stored by the first data processing device only on the basis of the result of the check (Fabrick et al: see [0037]).

Claim 19:

Referring to claim 19, Rothschild/Fabrick teaches the distributed method of claim 8, wherein the second component is used to present data from the data objects in medically relevant reports using the report masks (Fabrick et al: see [0034] – according to [0026], lines 1-3 of the applicant's specification, a report mask only display respective relevant information from the patient record, therefore the report returned by the custom query provided by the medical provider is considered to represent a report mask).

Claim 20:

Referring to claim 20, Rothschild/Fabrick teaches the distributed method as claimed in claim 9, wherein the second method component uses report masks for a user to edit data from the data objects (Fabrick et al: see [0041] and [0052]).

Claim 21:

Referring to claim 21, Rothschild/Fabrick teaches the distributed method as claimed in claim 9, wherein a data switching component is provided for ascertaining the type of a data object transferred from the first to the second component, for comparing the ascertained type with the content of an association memory containing information about the association between data object types and report masks, and for associating a report mask with the data object on the basis of the result of this comparison (Fabrick et al: see [0036]-[0041]).

Claim 22:

Referring to claim 22, Rothschild/Fabrick teaches the distributed method as claimed in claim 10, wherein a data switching component is provided for ascertaining the type of a data object transferred from the first to the second component, for comparing the ascertained type with the content of an association memory containing information about the association between data object types and report masks, and for associating a report mask with the data object on the basis of the result of this comparison (Fabrick et al: see [0036]-[0041]).

Claim 23:

Rothschild et al disclose a data processing system for processing medically relevant data objects. In particular, Rothschild et al disclose a data processing system for processing medically relevant data objects including at least one of image data and metadata (see abstract and [0023], lines 17-22), comprising:

a first electronic data processing means for viewing and editing the data objects

(see [0149]-[0150] and Fig 1, item 10), the first electronic data processing means

including,

storage means for storing the data objects (see [0045]; [0143], lines 10-

18; and Fig 1, item 120), and

a first interfacing means for outputting data objects (see [0149] and Fig 1,

item 15); and

a second electronic data processing means for presenting data from data objects

in medically relevant reports (see Fig 1, item 40) using report masks, the second

electronic data processing means including,

memory means (see Fig 1, item 140) for storing the report masks, and

second interfacing means for receiving the data objects (see [0079]),

wherein the first data processing means uses firmly prescribed data formats (see

[0144], lines 1-7 and [0152] - the data format is DICOM), unalterable by a user,

to store, view and edit the data objects, wherein the second data processing

means uses report masks, generatable and alterable by the user to present data

from data objects, even without knowledge of the syntax of the data objects, and

wherein the interfaces of the first and second data processing means are

connectable to one another for transfer of data objects from the first data

processing means to the second data processing means (see [0043] and Fig 1 –

the devices are connected by a central storage system).

However, Rothschild et al fail to explicitly teach the further limitation of the second interface wherein the second data processing means uses report masks, generatable and alterable by the user to present data from data objects, even without knowledge of the syntax of the data objects. Fabrick et al teach a data processing system for processing medically relevant data objects (see abstract), including the further limitation wherein the second data processing means uses report masks, generatable and alterable by the user to present data from data objects, even without knowledge of the syntax of the data objects (see [0034] and [0052] – according to [0026], lines 1-3 of the applicant's specification, a report mask only display respective relevant information from the patient record, therefore the report returned by the custom query provided by the medical provider is considered to represent a report mask).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Fabrick et al's system for generating report masks within Rothschild et al's medical image management system as a subcomponent to the remote storage system (Rothschild et al: see Fig 1, item 40). One would have been motivated to do so in order to produce a report that is useful in managing the patient's healthcare (Rothschild et al: see [0065]).

Claim 24:

Referring to claim 24, the combination of Rothschild et al and Fabrick et al (hereafter Rothschild/Fabrick) teaches the data processing system as claimed in claim 23, wherein the second data processing means stores report masks at least one of generated (Fabrick et al: see [0034] – according to [0026], lines 1-3 of the applicant's

specification, a report mask only display respective relevant information from the patient

record, therefore the report returned by the custom query provided by the medical

provider is considered to represent a report mask) and altered by the user (Fabrick et al:

see [0052] – the original report is updated, i.e. altered, when a patient has a subsequent

visit), in the memory means (Fabrick et al: see [0061]).

Claim 25:

Referring to claim 25, Rothschild/Fabrick teaches the data processing system as

claimed in claim 23, wherein the second data processing means uses report masks,

generateable and alterable by the user without knowledge of the syntax of the data

objects, in order for a user to edit data from data objects (Fabrick et al: see [0034],

[0036] and [0061] – the data objects are entered into the database from the forms and

can exist in any format which is not taken into consideration when the reports are

generated and altered).

Claim 26:

Referring to claim 26, Rothschild/Fabrick teaches the data processing system as

claimed in claim 23, wherein at least one of the interfacing means includes data

switching means, having access to an association memory containing information about

an association between data object types and report masks, for ascertaining the type of

a data object transferred via the interface means, for comparing the ascertained type

with the content of the association memory and for associating a report mask with the

data object on the basis of the result of the comparison (Fabrick et al: see [0036]-

[0041]).

Claim 27:

Referring to claim 27, Rothschild/Fabrick teaches the data processing system as claimed in claim 23, wherein the interfacing means on the first and second data processing means, when innerconnected, are useable to transfer data belonging to data objects from the second data processing means to the first data processing means, and wherein data objects with user-edited data, transferred to the first data processing means via the interconnected interfaces, are stored in the storage means (Fabrick et al: see [0037] – the data objects are transferred to the database).

Claim 28:

Referring to claim 28, Rothschild/Fabrick teaches the data processing system as claimed in claim 27 wherein content of user-edited data is checked, and the checked data are stored by the first data processing means only on the basis of the result of the check (Fabrick et al: see [0037]).

Claim 29:

Referring to claim 29, Rothschild/Fabrick teaches the data processing system as claimed in claim 23, wherein the first data processing means is for authenticating all access operations to data objects by users in a manner which the user cannot alter and documents them for later reconstruction (Rothschild et al: see [0144], lines 15-26 and [0210]-[0213] – history record system).

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

        US PGPub 2003/0208465 to Yurko et al is directed towards generating and

altering report masks mask based on medical data objects in a central database.

        US Patent No 6,260, 021 to Wong et al is directed towards medical images and

report storage systems.

        US PGPub 2002/0111932 to Roberge et al is directed towards generating

medical reports.

        US Patent No 6,516,324 to Jones et al is directed towards generating a report

based on parameters entered by the physician.

        US Patent No 7,000,182 to Iremonger et al is directed towards the creation of

reports.

9.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kimberly Lovel whose telephone number is (571) 272-

2750. The examiner can normally be reached on 8:00 - 4:30.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Kimberly Lovel
Examiner
Art Unit 2167

kml
2 March 2006

SAFET METJAHIC
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100